

### **REMARKS**

Claims 1–24 are pending in the present application. Claims 1–24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,376,615 (or U.S. Patent No. 5,447,901) to Yamaguchi et al. ("Yamaguchi"). The Office Action states that "[i]t appears that the formulas of the reference meet the structural limitations of the instant claims." Office Action, page 4. Applicants respectfully disagree.

#### **Claims 1- 24 Are Not Anticipated by Yamaguchi**

Claim 1 of the present application recites a color-developing agent resin composition comprising Component 1 (a phenolic resin comprising Formula I) and Component 2 (a blend of graft copolymers of a phenolic resin and a multivalent metal salt polymer of a substituted aryl carboxylic acid, wherein at least a portion of said graft copolymers comprise Formulas II and III).

Applicants respectfully note that Component I of Claim 1 is not present in any composition disclosed by Yamaguchi. Formula I of Yamaguchi is a metal-modified salicylic acid monomer, and so is not Component I of present Claim 1. Further, the structural units of Formula II and Formula III of Yamaguchi include benzylic groups, not phenolic groups. Therefore, Component I of present Claim 1 is not disclosed by Yamaguchi, and thus, the composition of present Claim 1 is not anticipated by Yamaguchi.

In addition, Component 2 of instant Claim 1 is also not present in any composition disclosed by Yamaguchi, at least for the reason that Component 2 of present Claim 1 contains the graft copolymer of Formula II. None of the structural units of Yamaguchi's Formulas I, II or III, either alone or in combination, is the graft copolymer of Formula II of Component II of present Claim 1. Formula I of Yamaguchi is a metal-modified salicylic acid monomer, and so does not include the phenolic group recited in Formula II of Component II of present Claim 1. Further, the structural units of Formula II and Formula III of Yamaguchi include benzylic groups, not phenolic groups. Therefore, Component II of Claim 1 is not disclosed by Yamaguchi, and thus, the composition of Claim 1 is not anticipated by Yamaguchi.

For at least the foregoing reasons, Applicants submit that Claim 1 is not anticipated by Yamaguchi. In addition, Claims 2-18, 23 and 24 depend from Claim 1, and so are also patentable, at least per the patentability of Claim 1 from which they depend. Applicants also respectfully submit that Claims 1-18, 23 and 24 are also not obvious in view of Yamaguchi, at least for the reason that Yamaguchi does not combine phenolic components with its salicylic acid-based structural units. As the components of the compositions of Claims 1-18, 23 and 24 are clearly different from the resins described by Yamaguchi, the compositions may also have very different properties. For example, Applicants believe that the phenolic components of Claims 1-18, 23 and 24 may provide the compositions with increased UV resistance, while also maintaining other desirable properties, such as sufficiently fast development at low temperatures, bright color and heavy developing strength. *See* Specification, page 3, lines 5-9. Yamaguchi neither teaches nor suggests the suitability or desirability of the incorporation of phenolic components into its compositions, and in fact, teaches away from the use of substituted phenols in col. 2, lines 65-68, wherein Yamaguchi states that "[s]ubstituted phenols have insufficient color-producing ability and produce color marks have [*sic*] a low color density." Thus, Yamaguchi does not render present Claims 1-18, 23 and 24 obvious.

Claims 19 and 20 recite methods for preparing a color-developing agent resin emulsion that includes the color-developing agent resin composition recited in Claim 1. Therefore, Applicants submit that Claims 19 and 20 are also patentable, at least for the reason that Claims 19 and 20 recite a composition that is neither disclosed nor suggested by Yamaguchi, as described above.

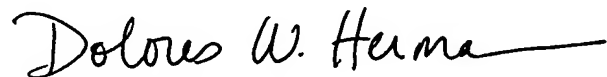
Claim 21 and 22 recite a resin color developing agent for non-carbon copying paper, wherein said resin color-developing agent includes the color developing agent resin composition recited in Claim 1. Thus, Applicants submit that Claims 21 and 22 are also patentable, at least for the reason that Claims 21 and 22 recite a composition that is neither disclosed or suggested by Yamaguchi, as described above.

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**Conclusion**

For the foregoing reasons, Applicants respectfully request that the rejection under 35 U.S.C. §102(b) be withdrawn. Applicants submit that the present application is in condition for allowance and the same is respectfully requested. Any questions that the Examiner may have regarding this correspondence can be directed to the undersigned attorney who may be reached at (919) 854-1400. Applicants do not believe any fees are due with this response. However, any fees due in connection with this paper may be charged to our Deposit Account No. 50-0220.

Respectfully submitted,



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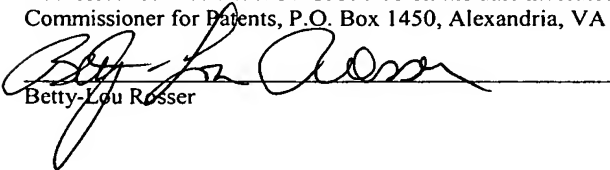
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